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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,301	10/31/2003	Catherine Kalke	83531-373	2701
22504 7590 11/05/2008 DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045				
EXAMINER				
TRAN, CONGVAN				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
11/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/700,301

Applicant(s)

KALKE, CATHERINE

Examiner

CongVan Tran

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/02/08 & 10/14/08.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
4a) Of the above claim(s) 4, 5, 20, 23-34 and 37 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 6-19, 21-22, 35-36 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to Amendment filed on Jul 02, 2008 and Election filed on Oct. 14, 2008.
2. Claims 4-5, 20, 23-34 and 37 have been canceled.
3. Claims 1, 3, 6-19, and 21-22 have been amended.
4. Claims 35-36 have been added.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 1 recites the limitation "the subscriber" in line 9. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The "enhanced service" is unclear.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3, 19, 21-22 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenberg (2003/0013434).

Regarding claims 1, 19 and 21-22, Rosenberg discloses a systems and methods for automatically provisioning wireless services on a wireless device comprising computer-executable instructions for performing the following to achieve automated provisioning for a mobile wireless device in a wireless communications network support system: receiving subscriber personal information from mobile wireless device, which is read on "wireless device user 47 to submit personal and financial information to wireless service provider 50" (see fig.4, paragraph [0063]); based on the subscriber personal information received, automatically determining whether to provision services for the mobile wireless device, which is read on "the information submitted on activation web site 48 by wireless device user 47 to automatically activate wireless services" (see fig.4, paragraph [0064]); receiving an indication of one or more subscriber-desired services, wherein the one or more subscriber-desired services are selected by the subscriber via an electronic user interface, wherein the electronic user interface comprises a user interface presented by the mobile wireless, wherein the mobile wireless device initially has no non-emergency services provisioned on a mobile wireless communication network supported by wireless communication network support system, which is read on "activation web site 48 requests wireless device user 47 to select a wireless service plan from a list of wireless service plans offering a variety of wireless services for a

given fee. The type of services provided, the geographic coverage, the fee, and the fee payment schedule may vary according to the plan" (see fig.4, paragraph [0062]); translating the indication of the subscriber-desired services into associated provisioning directives, which is read on "the identification code may be, for example, the serial number of wireless device 49, the equipment identifier (EID) of the wireless modem in wireless device 49, or any other identification code associated with wireless device 49 and understood by wireless service provider 50" (see fig.4, paragraph [0064]); and sending the associated provisioning directives to provisioning elements within the wireless communications network support system to achieve provisioning for the subscriber-desired services (see fig. 4, paragraph [0064-0067]).

Regarding claim 2, Rosenberg further discloses a web browsing user interface (see fig. 4, paragraph [0004]).

Regarding claim 3, Rosenberg further discloses the associated provisioning directives are sent to provisioning elements behind the wireless communication network from the perspective of the mobile wireless device (see paragraph [0067]).

Regarding claim 36, Rosenberg further discloses presenting terms and conditions for payment related to the one or more subscriber-desired services to the mobile wireless device (see paragraph [0008]); receiving an indication of acceptance of the terms and conditions for payment from the mobile wireless device (see paragraph [0009]); and conditioning the provisioning for the one or more subscriber-desired services on the receipt of the indication of acceptance of the terms and conditions for payment from the mobile wireless device (see paragraph [0010]).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (2003/0013434).

Regarding claims 7-18 and 35, the features in claimed is well known in telecommunication systems. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these features in Rosenberg's invention to enhance services for consumers.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CongVan Tran/
Primary Examiner, Art Unit 2617